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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,  
11  
12 Plaintiff,  
13 v.  
14 LUIS CUEVAS,  
15 Defendant.

Case No. 2:16-cr-00348-RFB-4

**STIPULATION TO CONTINUE  
DEADLINES**  
(First Request)

16  
17 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.  
18 Trutanich, United States Attorney, and Elizabeth O. White, Assistant United  
19 States Attorney, counsel for the United States of America, and Rene L.  
20 Valladares, Federal Public Defender, and Aarin E. Kevorkian, Assistant Federal  
21 Public Defender, counsel for Luis Cuevas, that the following due dates, as  
22 ordered by this Court [ECF. No. 94] be extended.

23 IT IS FURTHER STIPULATED AND AGREED, by and between the  
24 parties, that the Defendant's Motion for Reduction of Sentence under *United*  
25 *States v. Davis*, 139 S. Ct. 2319 (2019), which is currently due September 20,  
26

2019, and the Government's Response, which is currently due October 4, 2019, be stayed pending a final decision in *United States v. Dominguez*, No. 14-10268 (9th Cir.), which is currently scheduled for oral argument on December 10, 2019. However, in light of the one-year deadline to petition for habeas relief under *Davis*, any stay must be lifted in sufficient time to allow Mr. Cuevas to seek relief prior to the June 23, 2020, filing deadline, regardless of the status of *Dominguez*.

IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that the Defendant's Motion for Reduction of Sentence under *Davis* be due on the earlier of 30 days following issuance of a final decision in *Dominguez*, or June 23, 2020; and the Government's Response be due 14 days after the Defendant's Motion for Reduction of Sentence is filed.

The Stipulation is entered into for the following reasons:

1. *United States v. Dominguez* is the leading case in the Ninth Circuit to address whether actual and attempted Hobbs Act robbery under 18 U.S.C. § 1951 qualify as a crime of violence under the elements clause of 18 U.S.C. § 924(c)(3)(a). Counsel anticipate that a final decision in *Dominguez* may control the issue raised by the Defendant, and therefore, continuing the deadline for the Defendant's Motion for Reduction of Sentence will be in the interest of judicial efficiency.

2. Counsel for the Defendant needs additional time to make contact with the Defendant who is incarcerated by the Bureau of Prisons at Hazelton USP, where it has been difficult to arrange any confidential legal calls with Defendant and to receive legal mail from Defendant. Without the ability to communicate freely and fully with Defendant, it is, unfortunately, not possible

1 for defense counsel to comply with the deadlines previously set by the Court in  
2 this matter.

3 3. The parties agree to the continuance of the deadlines as set forth  
4 herein.

5 4. This is the first stipulation to continue the deadlines relative to  
6 Defendant's *Davis* motion.

7 DATED this 17th day of September, 2019.

8 RENE L. VALLADARES  
9 Federal Public Defender

NICHOLAS A. TRUTANICH  
United States Attorney

10 By: /s/ Aarin E. Kevorkian

By: /s/ Elizabeth O. White

11 AARIN E. KEVORKIAN  
Assistant Federal Public Defender

ELIZABETH O. WHITE  
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,  
4

5 Plaintiff,

6 v.

7 LUIS CUEVAS,  
8

Defendant.

Case No. 2:16-cr-00348-RFB-4

FINDINGS OF FACT AND ORDER

9 FINDINGS OF FACT

10 Based on the pending Stipulation of counsel, and good cause appearing  
11 therefore, the Court finds that:

12 1. A final decision in *United States v. Dominguez*, No. 14-10268 (9th  
13 Cir.), may control the issue raised by the Defendant, and therefore, continuing the  
14 deadline for the Defendant's Motion for Reduction of Sentence until after a final  
15 decision in *Dominguez* issues will be in the interest of judicial efficiency.

16 2. Counsel for the Defendant needs additional time to make contact with  
17 the Defendant who is incarcerated by the Bureau of Prisons at Hazelton USP,  
18 where it has been difficult to arrange confidential legal calls with Defendant and  
19 to receive legal mail from Defendant. Without the ability to communicate freely  
20 and fully with Defendant, it is not possible for defense counsel to comply with the  
21 deadlines previously set by the Court in this matter.

22 2. The parties agree to the continuance of the deadlines as set forth  
23 herein.

24 3. This is the first stipulation to continue the deadlines relative to  
25 Defendant's *Davis* motion.

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DATED this 17th day of October, 2019, *nunc pro tunc*.



RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE